



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, April 16, 2012 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

NONE

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

ADD

VII. MOTIONS AND RESOLUTIONS:

- 5. FROM COUNCILMEMBER RICH, Resolution R12-37, supporting Fair Housing Month.**

REMOVE

- 2. Removed at the Request of Councilmember Mallory, FROM CORPORATION COUNSEL ACKERMANN, SEQRA Resolution R12-33 and Sale Resolution R12-34 for 3 Zimmer Avenue.**

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

Arnold Sarowski 188 South Grand Avenue- Good Evening. I am pleased to see on the agenda a resolution by **Councilmember's Perry and Rich** to add money to the budget of the city's Recreation Department. I fully understand that in these difficult economic times there are many services to citizens that require our limited resources and that as with many departments and programs recreation has had to do with the less than the ideal resources. I would also at this time like to suggest, as I have done in the past, that a key component of improving the lives of Poughkeepsie resident's in the atmosphere in the city is a more extensive recreation program, especially for our adolescent population. I moved here several years ago from Rochester New York, a city that while larger, was great deal like Poughkeepsie in character. Rochester had a wonderful organization, providing recreation in its urban center, known as the Boys and Girls Club. While I'm not lobbying for that specific organization to establish itself in Poughkeepsie, I do believe that we need an organization like the Boys and Girls Club to focus on and provide recreation programs after school, in the evenings, and in the summer for adolescent youth of our city. In the preliminary reading research I have begun on crime prevention in small urban areas, it seems that active, it seems so far that well planned and supervised recreation programs are among the keys to successful efforts to this realm, the realm of crime prevention. On another topic, I promise I won't speak for ever even though you didn't hit the clock, I would like to compliment all of those in the city government, council, Mayor, and administration, involved in bringing and organizing the abandoned property forum to Poughkeepsie for a job, so far well done. There is a great deal of energy and great deal of very diverse community input and discussion. It was really well organized. I hope that we continue this effort so that the potential, positive results that were described by the consultants from Pace University can come to fruition for our city. Thank you

Shawn Sheldon 142 College Avenue- I am here today to address a parking issue on the corner of Meyer Ave and Hooker. And I was told that it should be a parking area because it was a no parking zone when it was a residential building there prior to the Rite Aid being built. But now that the Rite Aid is being built there that there is no more garbage pick-up on that side of the street. I was just wondering if we could have a change to a parking area I did a little research and I guess the only reason that there is no parking there is because it used to be residential and now it's no longer residential. I was told that this is where I should go and I will continue to follow through and see if this actually goes anywhere. Thank You.

Ken Stickle 118 Catherine Street- In the last couple of weeks, we had a couple of rallies in the Mansion square early in Patrice Park. I don't like to have cases tried in the news. I'd rather let the court system decide whose guilty and whose not. We had similar rallies; I can go back to the Tawana Brawley, one that divided the city very much. I would hate to see this case turn around and be the kids fault and not the other guy's fault. Let it be tried in the court and not in our city. We have more problems in the city that we should be rallying against such as people not working, we have a problem with gangs in the city and nobody seems to be coming out and addressing it. We have our own murders in the city day in and it gets pretty bad. We have people assaulted. Why aren't we turning around and holding rallies for that? Why are we not

holding rallies for local stuff? Why are we turning around holding a rally for a police officer that was slain a little over a year ago? Why are we not turning around and going after somebody that went after the young lady in Hyde Park? He sexually harassed her, turned around and drowned her turned around and held a rally for that young lady. I do believe that we need to worry more about the Poughkeepsie area duchess county than we do about everything else in this other part of the world. We have the gangs in this area and we better start worrying about them, the drugs and the crime in this area. Thank You.

Josephine Quilos 48 Noxon Street- Between Thursday evening and Friday morning there was a vandalism on Noxon Street. On Friday morning there was vandalism on Noxon Street. Six vehicles were damaged, five of them had busted tires, and mine was scratched from fender to bumper, more like a dig. The police were there and they did do a report and I don't feel that they followed up on it. So I called the Poughkeepsie Journal and they got the address wrong. They said it was Noxon Road instead of Noxon Street. So I'm just here to say that I don't feel safe on Noxon Street. They need to patrol more and do whatever is necessary. I bought night vision cameras to put on my building. I already had web cams hooked up and now I have that. Now I can't sleep because now I'm watching that to make sure that no one is destroying my vehicle. Something needs to be done. Before that it was garbage cans being kicked around. I don't know if you guys want to place cameras on my building and face them up and down the street. I don't care you are more than welcome to. I just want to feel safe in the city of Poughkeepsie and I don't. And I would just like someone to take care of it that's all. Thank you.

Sal Maura 25 Bancroft Road (Union President, City of Poughkeepsie Fire Dept)- It is come to our attention through a meeting we had recently with the corporation counsel with some concerns with labor management, that there is some entertainment to abolish the training officer's position. I just really want to say as strongly as I can that the union cannot support this. This is an absolute vital position. We understand the troubles with the city and we've always tried to cooperate. I think we've negotiated; we've lost nine positions in five years, understanding the financial position of the city. We lost a fire inspector last year, which is something that has been taken over by another department, which I think has been done well, but to support something that is vital for the firefighters, to stay current with trends, rescue operations, and firefighting in general, I just find it very difficult to support this. We are more than willing to negotiate, as we always are. There could be some reorganization. We actually had a meeting with corporation council and during that we discussed possibly being able to save the city a considerable amount of money with some reorganization. I just want to humanly say that we can't support the elimination of this position. Thank You.

Constantine Kazolias 47 Noxon Street- I didn't have any intention to get up and speak, but I will. First of all, I was always against taking out of the building department, but the thrust like appearance tonight is the \$7000 for recreation I favored. Because I attended the Board of Education meeting last week, they got \$200,000 from Skartados extra money and all they are talking about is funding clubs.

These clubs should have been funded by individuals going out and canvassing money and all like that. Because I got up and said : “you’ve got a half day kindergarten. When Spackenkill got the rest of the money they went for full day kindergarten, but Poughkeepsie for one reason or another , whether it was a two man idea, wanted to fund these clubs and as far as im concerned, I believe in recreation, but their priorities on the Board of Education is in the wrong direction. As far as I’m concerned there should be interest in education first and if you have any monies left over you can do whatever you want to do. As far as the \$7000 for recreation, I do agree with it, because summer’s here, and with the temperature here how it is today, it’s going to be here awfully early. Once again, the Board of Education should prioritize their monies because its limited and they should concentrate on educating these kids because a 50% flunk rate doesn’t speak too highly of the educational system here in the City of Poughkeepsie. I do appreciate your time.

V. MAYOR’S COMMENTS

Mayor Tkazyik – Thank You Chair Woman Johnson. Good evening members of the council and members of the public. First I want to start off by thanking John Flowers, who hosted the annual City Easter egg hunt at Waryas Park. It was attended by thousands and it was great to see our council members down there. I know I saw **Councilmember Johnson** and **Councilmember Parise** during the time of day that I was there. Everyone was having a good time, enjoying the beautiful weather that we had down at the waterfront. As well, this past weekend we had the little league opening day ceremony and I want to thank Dan Goodwin and Tim Nevins and everyone out there that supports the little league program, sponsors, as well to our very own **Councilman Paul Herman**, who continues to go out each and every week and mow the ball field out there. Paul thank you for all you do with little league and our fields as well, out in the upper south side. This past week we also had good news. Forbes Magazine rated the city of Poughkeepsie as the 6th best city in the nation to raise a family. That was great news and also I was contacted by News Day and they also running a story on that news that we were rated by Forbes. Also within the coming week, we will be meeting again with Metro North officials in regarding our TOD project. We will having an upcoming stakeholders meeting where they will be preliminary discussing designs, concepts and feedback that we’ve received from the consultants as well as the community stakeholders group that has had inputs into this process and a one stab portion of it is done. I know that we will be bringing those concepts and ideas before the common council to discuss the overall TOD plan within the city limits. I know later on in the program today, under the chair woman’s comments, we will be having some special recognitions, celebrating people within our community for great achievements and academic excellence in our schools and we’re proud to be able to have them here tonight so that we can congratulate them. Thank You.

VI. CHAIRMAN’S COMMENTS AND PRESENTATIONS:

Chairwoman Johnson- Tonight is a very special night. We have three honorees tonight. First it is my honor to announce tonight our 1st honoree April’s Volunteer of

the Month, Ms. Juanita Belton. Ms. Belton is a volunteer with Project Thunder, a mentoring and tutoring program at Vassar College; she coaches the students and prepares many delicious snacks. She was also a volunteer at Krieger Elementary School for 1st, 4th and 5th graders. She also volunteers at Faith Assembly Church with the Sister to Sister program and is a volunteer with the Samuel Prayer Warriors. Please join me in honoring Ms. Jerry Belton as our April Volunteer of the Month.

Next we have our two Black History Essay Contest winners. This was the 1st Essay contest open to all Poughkeepsie Middle School and Poughkeepsie High School students regarding our nationality.

The quote that they had to interpret was...."What it means to achieve success".

This contest was organized and hosted by myself, Chairwoman Gwen Johnson and our Mayor, John Tkazyik.

Our winner from the Poughkeepsie Middle School is Deiondre Wilson and the winner from Poughkeepsie High School is Alexis Lemmon.

Both of our winners will receive

1. A bouquet of flowers and cookie tray compliments of the lollipop tree
2. A gift card to Barnes & Noble
3. Luncheon for two at Andy's Place Restaurant
4. Certificates from the Common Council and the Mayor and a Congressional Certificate from Congresswoman Nan Hayworth.

Please join me in honoring first our Poughkeepsie Middle School winner, Deiondre Wilson

02/27/2012

Deiondre Wilson
Poughkeepsie Middle School
6th Grade Student
11 years old

BLACK HISTORY MONTH – WHAT IT MEANS TO ACHIEVE SUCCESS:

When you want to do something put your greatest effort into the work you are trying to do and never quit. I believe the message that Booker T. Washington is trying to say, is that if you happen to give up it's all right; just put all the effort you can into it next time. To me success means achieving good grades in school do your homework on time and succeed by going to the next competition in school (AKA) the next grade. The message is clear that in order to achieve in life, you must achieve in school. The next step in achievement is shown when you obtain your first job. You put your best effort into your performance and you have the opportunity to show you are a reliable employee. Even if your first job is a McDonald's chef, you are trying to succeed to be the best employee you can be. You work hard, are polite to customers and use the experience to build your success to get the next job of your desire. I would like to succeed as an American Professional Wrestler and make it past the NXT tryouts to get to the WWE Championship. What I would like others to succeed in is no more physical fighting. I believe we should get along with one another and help others when they are in need. Don't just stand there and laugh just because other kids are doing that; be your own person and do what your heart says is right. There are times in life you may feel challenged on how to respond to a situation; like when you walk past other people and they are talking about you. Don't assume they are saying insults about you; maybe they like your new haircut style. Even if they are saying rude things about you, don't go over there and fight them. Believe in yourself and learn to walk away. Good friends will inspire you, say positive things about you. I plan to always choose a path to success.

Sincerely

Deiondre Wilson

and next, our Poughkeepsie High School winner, Alexis Lemmon.

PHS

Alexus Lemmon

Black History Month Essay Contest

3/2/12

“Success is to be measured not so much by the position that one has reached in life.... As by the obstacles which he has overcome while trying to succeed,” Booker T. Washington once stated. This means success shouldn't be rewarded by what one has, but how one got there and what hard work one did to get there and what they have. I agree with this quote, because one should not be happy just because what they are, but they should be happy about what they had to go through to get there and how it pays off today. One can not judge another based on their success.

I can relate to this quote because I have overcome many obstacles in life to succeed. One obstacle I have overcome is losing my father on my birthday. This obstacle slowed me down from doing what I had to do. I got into a lot of trouble from time to time. I would take my anger out on other people, and I wasn't focused. A few months went by and I learned to live with it. It was hard, but I learned to talk to people about my problems and I became more focused on my school work and my life.

Another obstacle in life I have overcome is the drama that goes on in my community. I realize everything revolves around everything. Once you're involved with drama it's like a never ending thing. People fight other people get involved and make it their problem. I learned the key to being drama free is to not let little things get to you. If there's a fight going on walk away don't watch, because watching it is just like encouraging it. If you or others are arguing try to work it out get to the bottom of it and see the big picture clearly. If something is wrong, talk to

someone you trust they can give you advice on what you should do about your problem. If you put your mind to it you can overcome an obstacle.

Booker T. Washington once stated, "Success is to be measured not so much by the position that one has reached in life ... as by the obstacles which he has overcome while trying to successes." This quote relates to the world in many ways. An obstacle is simply like a goal, just something you have to work hard to accomplish. Therefore one can not succeed just because what they are or what they got, but what obstacles they overcame to get there.

VII. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Rich and seconded by Councilmember Parise to receive and print.

Assistant Corporation Counsel Brady informed the Council that this resolution comes at the request of Vice Chair Rich and Councilmember Perry. This resolution will designate June 2, 2012 as "Make Poughkeepsie Shine Day", which would form a collaborative effort between the City of Poughkeepsie's Administration, Common Council, volunteer individuals and groups, non for profit organizations, and local and non-local businesses working together to clean up and beautify the City's public spaces. This resolution recognizes that a clean City can discourage littering and improve community appearance and the quality of life for its residents.

Councilmember Rich- We have, after a number of discussions with different departments and with common council members and with others, come to the conclusion that it's good to talk, but it's also good to do something. We have decided to go ahead and do something and that would be a cleanup day designated for June 2nd, which we are going to called Make Poughkeepsie Shine. This will involve the entire city and the help of many, many people. We will need the cooperation and help of all of the council members and all of the various departments and most importantly of our city residents and our businesses, our not for profits, our schools, our churches, and we think that by soliciting help both financially and through volunteer we should be able to do a very good job on June 2nd and make this city a lot cleaner. At that end I have proposed this resolution. Thank You.

Councilmember Perry- I support this resolution because I've always wanted to see all the wards cleaned up, especially my favorite ward, the 5th ward. I am appealing to everybody out there to tell your friends, and neighbors and everybody else that we are going to have that clean up day and I want everybody to come out and help us all to clean up the city and make

the city shine so to speak. We will all benefit from walking on clean streets in all the wards.
Thank you.

**RESOLUTION
(R-12-32)**

INTRODUCED BY VICE-CHAIRMAN RICH AND COUNCILMEMBER PERRY:

WHEREAS, The City of Poughkeepsie Common Council is desirous of improving and beautifying the visual aspects of the City of Poughkeepsie’s public areas; and

WHEREAS, The Common Council has determined that many of the City’s parks, roads, and sidewalks could benefit from a community led effort to enhance the beauty and splendor of its public spaces; and,

WHEREAS, The Common Council understands that a clean community can discourage littering and improve community appearance and the quality of life for its residents; and

WHEREAS, The Common Council seeks to designate a day where the City of Poughkeepsie’s Administration, Common Council, volunteer individuals and groups, not for profit organizations, and local and non-local businesses will collaborate and work together to clean up and beautify the City’s public areas; and

NOW, THEREFORE,

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby designates June 2, 2012 as “Make Poughkeepsie Shine Day.”

SECONDED BY COUNCILMEMBER BOYD

R12-32			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A motion was made by Councilmember Rich and seconded by Councilmember Parise to receive and print.

Councilmember Rich- as we know, summer is fast approaching and one of the things that I found out throughout the city and most especially in the groups that are in the second ward or that I participate in is that their summer activities are being planned now, but what they're finding almost to a group is that the money is very weak. Its been getting weaker year by year, but this year especially its probably down to its lowest common denominator. Just to give you one example, the Tubman Community group has an afterschool program and that is being funded adequately, but they also hope to have 65 kids registered in their summer program other kids her kids join the program and that they don't have as of yet the money. They're raising money a little bit each time and the same goes for the church I go to. The summer camp is in the process of raising money and all throughout the city these summer programs are in danger of not having enough money to continue. What we need is not to give these programs lessons, we need to expand them greatly, but that might be a bridge too far. Perhaps we can at least keep what we have if we begin to see where there is some funds available. The 7000 is not going to do as much as we might like, but maybe it will begin to open the eyes of the community that hello we need help with the summer programs for our children are in danger of not being there, which I think will be a terrible situation for us. So while this isn't much and I don't expect you to save them all or save even one of them with 7000 I think it's a start in the right direction. It's better than doing nothing and my motto when I was growing up, based on the group called the Christopher's, was its better to light one little candle then curse the darkness. This is a candle being lit.

Councilmember Perry stated that this will give the youth a little extra and help recreation for the summer

Mayor Tkazyik – We will look to meet with the council leadership over this budget amendment and to the recreation program to discuss the type of activity and level of support as well as processed program in relation to the distribution of funds as well as I know hearing from some council members outside a program, but also maybe a little more support from parks in relation to up keep or some type of additional type of recreational support for parks as well so we will again be looking forward to meeting with council leadership regarding that process. Thank you.

R E S O L U T I O N **(R-12-35)**

INTRODUCED BY VICE CHAIRMAN RICH AND COUNCILMEMBER PERRY:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby does amend the 2012 budget be allocating \$7,000 from 01.11.8020.7103 to 01.08.7140.7469 for recreation/programming.

SECONDED BY COUNCILMEMBER BOYD

R12-35						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. A motion was made by Councilmember Rich and seconded by Councilmember Parise to receive and print.

Assistant Corporation Counsel Brady informed the council that said resolution is a SEQRA resolutions pertaining to Local Law 12-2 which is also on the agenda this evening. The SEQRA resolution determines that Local Law is an unlisted action and further determines that LL12-2 shall be a negative declaration for the purpose of the environmental conservation. Local Law 12-2 was drafted with the help of **City Engineer Rich DuPilka** and our **Building Inspector Gary Beck** both of which are available if you have any technical questions. Local Law 12-2 was basically drafted and proposed to you for a vote, the New York State DEC are requiring communities as a condition of national flood damage prevention to adopt flood plain management regulations and meet the minimum standards of the National Flood Insurance regulations. This Local Law meets those minimum standards. It was sent to New York State DEC and approved by them. Essentially the major difference between this law and the one we have now, which is 19-4.6, and this new law is we didn't have a definition section in the old law, now we have definitions. The other thing it does is it sets an appeals process through the Zoning Board of Appeals, so if someone is going to develop or substantially improve a dwelling or a structure in an area of floodplain, they can do that. The new map will affect more structures and more dwellings as of May 2nd.

(R-12-36)
SEQRA RESOLUTION FOR LOCAL LAW 12-2
ENTITLED "FLOOD DAMAGE PREVENTION"

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the Common Council of the City of Poughkeepsie is replacing former Section 19-4.6 of the City Code of Ordinances with Local Law 12-2 entitled "Flood Damage Prevention;" and

WHEREAS, the purpose of Local Law 12-2 is to adopt floodplain management regulations that meet the minimum standards of the National Flood Insurance Program's regulations

ensuring the City of Poughkeepsie's continued eligibility in the National Flood Insurance Program; and

WHEREAS, Local Law 12-2 is in compliance with the requirements of the Federal Emergency Management Agency and the New York State Department of Environmental Conservation; and

WHEREAS, 6 NYCRR Section 617.6(b)(1) specifies that an agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this enactment; and

WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF).

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
6. The Common Council officially makes a determination of non-significance in that the proposed local law is not expected to result in a significant adverse impact on the environment for the reasons stated in the attached SEQRA negative declaration form dated April 16, 2012 and, therefore, preparation of a draft environmental impact statement is not necessary; and

7. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BOYD

R12-36			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Rich and seconded by Councilmember Parise to receive and print.

Councilmember Rich informed the council that said resolution is a support resolution that is hopefully being voted positively by the Dutchess County Legislature and comes from a group of Realtors who have decided to pay tribute to an event in our history. **Councilmember Rich** read the following resolution.

Councilmember Herman stated that for the record, he would like an email notifying them if there is going to be a last minute item added to the agenda.

R E S O L U T I O N
(R-12-37)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, April 11, 2012, marks the 44th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, The City of Poughkeepsie as well as the Dutchess County Association of Realtors, are committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing.

NOW, THEREFORE, we, The Common Council of the City of Poughkeepsie, of the State of New York, do hereby resolve that April 2012, being Fair Housing Month, begins a year-long

commemoration of the U.S. Fair Housing Law in Poughkeepsie, and urge all citizens to wholeheartedly recognize this celebration throughout the year.

APPROVED this 16th day of April, 2012

SECONDED BY COUNCILMEMBER BOYD

R12-37			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

- 1. A motion was made by Councilmember Rich and seconded by Councilmember Parise to receive and print.**

**LOCAL LAW
LL-12-2**

INTRODUCED BY COUNCILMEMBER RICH

Section 19-4.6 Flood Damage Prevention

(a) *Statutory authorization findings of fact, purpose and objectives:*

(1) *Statutory authorization.* The Legislature of the State of New York has in Article 9, § 2 of the New York State Constitution delegated to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. This local law for Flood Damage Prevention is authorized by the New York State Constitution, Article 9, § 2, and Environmental Conservation Law, Article 36

(2) *Findings of fact.*

(a) The Common Council of the City of Poughkeepsie finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of

the City of Poughkeepsie and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

- (b) These potential flood losses can be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage can also contribute to the flood loss.
- (3) *Statement of Purpose.* It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (a) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (b) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (d) control filling, grading, dredging and other development which may increase erosion or flood damages;
 - (e) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
 - (f) qualify and maintain for participation in the National Flood Insurance Program.
- (4) *Objectives.* The objectives of this local law are:
- (a) to protect human life and health;
 - (b) to minimize expenditure of public money for costly flood control projects;
 - (c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (d) to minimize prolonged business interruptions;

- (e) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (f) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) to provide that developers are notified that property is in an area of special flood hazard; and,
- (h) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(b) *Definitions:*

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approval programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. The Zoning Administrator shall be deemed the Local Administrator for the City.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation

adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section (d)(6) of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

(c) *General Provisions.*

(1) *Lands to which this local law applies:*

This local law shall apply to all areas of special flood hazard within the jurisdiction of the City of Poughkeepsie, Dutchess County.

(2) *Basis for establishing the areas of special flood hazard.*

The areas of special flood hazard for the City of Poughkeepsie, Community Number 360222, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(a) Flood Insurance Rate Map Panel Numbers:

36027C0354E, 36027C0358E, 36027C0359E, 36027C0362E,

36027C0366E

36027C0367E

whose effective date is May 2, 2012, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (b) A scientific and engineering report entitled "Flood Insurance Study, Dutchess County, New York, All Jurisdictions dated May 2, 2012.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

The Administrative Office of the Department of Public Works/Engineering Department, 62 Civic Center Plaza, Poughkeepsie, NY 12601.

- (3) *Interpretation and conflict with other laws.*

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

- (4) *Severability.*

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

- (5) *Penalties for non-compliance.*

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Poughkeepsie from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section (f) will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

(6) *Warning and disclaimer of liability.*

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the City of Poughkeepsie, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

(d) *Administration.*

(1) *Designation of the Local Administrator.*

The Zoning Administrator is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

(2) *The floodplain development permit.*

(a) *Purpose.*

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section (c)(2), without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(3) *Fees.*

All applications for a floodplain development permit shall be accompanied by an application fee as established by resolution of the Common Council of the City of Poughkeepsie. Such fee may thereafter be amended from time to time by like resolution. In addition, the applicant shall be responsible for reimbursing the City of Poughkeepsie for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

(4) *Application for a Permit.*

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (a) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (b) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (c) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section (e)(7), UTILITIES.
- (d) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section (e)(9), NON-RESIDENTIAL STRUCTURES.
- (e) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section (c)(2), when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (f) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (g) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

(5) *Duties and responsibilities of the local administrator.*

Duties of the Local Administrator shall include, but not be limited to the following.

(a) *Permit application review*

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (i) Review all applications for completeness, particularly with the requirements of subsection (d)(4), APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (ii) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section (e), CONSTRUCTION STANDARDS and, in particular, sub-section (e)(2) SUBDIVISION PROPOSALS.
- (iii) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section (e), CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- (iv) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

(6) *Use of other flood data.*

- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph (d)(4)(g), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

- (b) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

(7) *Alteration of watercourses.*

- (a) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(8) *Construction stage.*

- (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (b) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

(9) *Inspections.*

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

(10) *Stop work orders.*

- (a) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section (c)(5) of this local law.
- (b) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section (c)(5) of this local law.

(11) *Certificate of compliance.*

- (a) In areas of special flood hazard, as determined by documents enumerated in Section (c)(2), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (b) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section (d)(9), INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

(12) *Information to be retained.*

The Local Administrator shall retain and make available for inspection, copies of the following:

- (a) Floodplain development permits and certificates of compliance;
- (b) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections (d)(8)(a) and (d)(8)(b), and whether or not the structures contain a basement;
- (c) Floodproofing certificates required pursuant to sub-section (d)(8)(a), and whether or not the structures contain a basement;
- (d) Variances issued pursuant to Section (f), VARIANCE PROCEDURES; and,
- (e) Notices required under sub-section (d)(7), ALTERATION OF WATERCOURSES.

(e) *Construction standards.*

(1) *General standards.*

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section (c)(2).

(2) *Subdivision proposals.*

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.

(3) *Encroachments.*

- (a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the City of Poughkeepsie agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Poughkeepsie for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Poughkeepsie for all costs related to the final map revision.
- (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section (c)(2), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
- (f)
 - (ii) the City of Poughkeepsie agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Poughkeepsie for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Poughkeepsie for all costs related to the final map revisions.

(4) *Standards for all structures.*

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section (c)(2).

(5) *Anchoring*

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(6) *Construction materials and methods.*

- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(7) Utilities.

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(8) Residential Structures.

(a) Elevation.

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections (e)(2), SUBDIVISION PROPOSALS, and (e)(3), ENCROACHMENTS, and Section (e)(4), STANDARDS FOR ALL STRUCTURES.

- (i) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (ii) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (iii) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section (c)(2) (at least two feet if no depth number is specified).
 - (iv) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (9) *Non-residential structures.*

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections (e)(2), SUBDIVISION PROPOSALS, and (e)(3), ENCROACHMENTS, and Section (e)(4), STANDARDS FOR ALL STRUCTURES.

- (a) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (b) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in subsection (e)(9)(a)(ii).

(c) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting

the provisions of Section (e)(9)(a)(ii) including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(d) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(e) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

(10) *Manufactured homes and recreational vehicles.*

The following standards in addition to the standards in Section (e)(1), GENERAL STANDARDS, and Section (e)(4), STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(a) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(i) be on site fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraphs (e)(10)(b), (e)(10)(c) and (e)(10)(d).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(b) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(c) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(d) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the Flood Insurance Rate Map enumerated in Section (c)(2) (at least two feet if no depth number is specified).

(g) *Variance procedure.*

(1) Appeals Board.

- (a) The Zoning Board of Appeals as established by the City of Poughkeepsie shall hear and decide appeals and requests for variances from the requirements of this local law.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (c) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (d) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;

- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (e)
- (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (e) Upon consideration of the factors of Section (f)(1)(d) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (f) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for variances

- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section (f)(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria of subparagraphs (a), (d), (e), and (f) of this Section are met; and

(f) (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Variances shall only be issued upon receiving written justification of:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(g) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section (d)(12) of this Local Law.

SECONDED BY COUNCILMEMBER BOYD

LL-12-2						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1) A Presentation from **POUGHKEEPSIE FARMER'S MARKET.**



- Farm-based non-profit organization
- Two roles at the Poughkeepsie Farmers' Market:
 - ✓ Anchor produce vendor since 1999 - 10 acre Certified Naturally Grown produce farm in the City of Poughkeepsie
 - ✓ Manager since 2004 - org mission to build just and sustainable food system



Poughkeepsie Farmers' Market mission:

1. Provide locally-produced, fresh and **nutritious foods** to the community;
2. Provide the opportunity for **local growers** to sell their agricultural products **directly** to their customers; and
3. Foster positive interactions and support **community development** and revitalization efforts.



FARMERS MARKET

Pulaski Park on Washington Street
Fridays, 2 - 6 pm



Fresh Food. Local Purveyors. Community Connections.

To: Sub-Hudson Valley Growers and Vendors

The People in downtown Poughkeepsie, City residents, neighbors, and business owners experience fresh food better at this vibrant local produce market walk-up stall event and positive community connection. The Poughkeepsie Farm Project's eighth year on the job of managing will be a significantly larger Farmers Market in 2011, at a time from 2 to 7 pm and in a new venue. The market's revenue increases will be used to expand the market to the West of 10 on the Harbor and a short block west in Pulaski Park on Washington Street. The Market Partners Working Group and Advisory Committee aim to make the Poughkeepsie Farmers Market a more successful destination. It is anticipated that the Farmers Market will attract more than 10,000 visitors in its new location.

Here are some of the key features of the market:

- **NEP's goal** - a location will make a difference for a wide cross section of customers, whether they are available in the daytime, early evening, or on their commute home.
- **100% green roof location** - with a market market on top in Pulaski Park will be the approach to the West side, the strength of both locations will be leveraged to grow the number of customers and accommodate a wide variety of vendors - some details on the strength of each location are in the enclosed application materials.
- **Season-long publicity** - regular events, press releases, banners, signs, radio, web and social media marketing and local and visitors to market happening.
- **Financially realistic** - with a program for early and full-time payment - some details are in the enclosed application materials.
- **Highly successful program** - better for the city, food safety, SNAP for economic relief for families (E.R.T.) and Farmers Market Nutrition Program supports for low income senior citizens and WIC programs are all supported, ensuring that quality food is available to customers at all income levels.

As we plan the 2011 season, we look forward to looking for our partners and growing the market with your participation. The mission of the market is to provide locally produced, fresh and seasonal food in the community, provide the opportunity for local growers to sell their agricultural products directly to consumers, and for the positive interaction and support community development and economic growth. It's welcome vendors that want to be part of the growth and vitality of the Poughkeepsie Farmers Market!

Time: Fridays from 2 - 7 pm
Where: Two locations off Washington Street in the City of Poughkeepsie
Date: June 4, 2011 - October 22, 2011

We hope that you can be joining the Poughkeepsie Farmers Market for the 2011 season. Enclosed you will find an application and further information about the Market. If you have any questions, please do not hesitate to contact us.

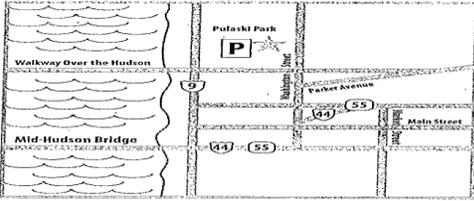
Sincerely,
 Asha Bookhan-Spangol
 pulaski@farmersmarket.org

Co-Sponsor:

- ✓ Signage
- ✓ Parking
- ✓ Drainage
- ✓ Funding



Rain or Shine
Every Friday 2 to 6 pm
June through October



JOIN US
At Pulaski Park

- ★ Fresh food and local purveyors of vegetables, fruit, baked goods and other homemade crafts & products
- ★ Market accepts cash, debit, FMNP for seniors & WIC and EBT

LIKE US ON facebook
twitter pokmkt

FOR MORE INFORMATION
farmproject.org/market
845-453-6349

Managed by the Poughkeepsie Farm Project
Co-Sponsored by the City of Poughkeepsie



- 2) FROM CORPORATION COUNSEL ACKERMANN, a communication regarding the circulation of the Findings Statement for One Dutchess Avenue.

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
packermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum

TO: Common Council
FROM: Paul Ackermann, Esq.
DATE: 4/16/2012
SUBJECT: Findings Statement- One Dutchess Avenue

Enclosed herewith for filing and circulation please find the Findings Statement pursuant to the State Environmental Quality Review Act. This statement is being filed and circulated this day to all the involved agencies as required.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

State Environmental Quality Review Act Findings Statement

One Dutchess Avenue Rezoning and Mixed Use Development

Pursuant to Article 8 of the Environmental Conservation law and 6NYCRR Part 617 *et seq.*, the City of Poughkeepsie Common Council, as Lead Agency, makes the following findings.

1. **Name of Action:** One Dutchess Avenue Rezoning and Mixed Use Development Project.
2. **Description of Action:** The proposed action involves the rezoning of 10.52 acres in the City of Poughkeepsie (8.65 acres of which are owned by the Applicant and 1.87 acres of which are owned by the State of New York) from I-2 General Industrial to W Waterfront, and Special Permit approval for residential uses subject to the requirements of the R-6 Urban Density Residence District. The proposed action further involves the rezoning of 3.80 acres in the Town of Poughkeepsie (3.22 acres of which are owned by the Applicant and 0.58 acres of which are owned by the State of New York) to create a Waterfront Housing Overlay District (WHOD) applicable to parcels in the WD1 District and the WD2 district (including the Project Site). Subsequent to the rezoning, the Applicant proposes to construct a mixed use development consisting of 198 apartment units located in two mid-rise buildings and 102 townhouse units located in ten townhouse buildings and 12,400 square feet of commercial space in the City of Poughkeepsie and 84 townhouse units located in nine townhouse buildings in the Town of Poughkeepsie on 11.87 acres (the "Project Site"), and develop the 2.45-acre State-owned parcel (the "State Land") as a public park. The Applicant proposes to remediate to State standards contaminated lands on the Project Site as well as on the adjacent State Land which fronts on the Hudson River and redevelop the State lands as a public park. The Applicant proposes to undertake various on and off-site road, traffic calming, sidewalk, water, wastewater and stormwater infrastructure improvements, as well as to construct parking and other site amenities.
3. **Project Location:** The Project Site consists of the following parcels.
 - Tax parcel 131300-6062-59-766443 in the City of Poughkeepsie
 - Tax parcel 134689-6062-02-763508 in the Town of Poughkeepsie

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

Additionally, a 2.45 acre parcel of State-owned land which is not identified as a separate tax parcel in the City and Town will be remediated to State standards and developed by the Applicant as a public park as part of the proposed Project.

4. Approvals: The following approvals are required for the Project.

Required Approvals/Review and Involved Agencies

Agency		Approval/Review
Local Agencies		
City of Poughkeepsie	Common Council	Zoning amendment
	Planning Board	<ul style="list-style-type: none"> • Advisory opinion on zoning amendment • Special Permit (for residential use) • Site plan review • Aquatic Resource Permit
	City of Poughkeepsie Zoning Administrator	• Floodplain Development Permit
	Public Works Department	Documentation that the City wastewater treatment facility has sufficient capacity to meet the demand from the Project and is in compliance with the existing SPDES permit Approval of sewer and water connections
	Local Waterfront Advisory Committee	Determination of consistency with LWRP
Town of Poughkeepsie	Town Board	Zoning amendment
	Planning Board	<ul style="list-style-type: none"> • Advisory opinion on zoning amendment • Site plan review • Floodplain Development Permit • Aquatic Resource Permit
	Local Waterfront Advisory Board	Determination of consistency with LWRP
County Agencies		
Dutchess County Department of Public Works	Permit for any work in County right-of-ways	
Dutchess County Planning Board	239m GML referral	
NYS Agencies		
New York State Department of Health	<ul style="list-style-type: none"> • Sanitary sewer connection • Water connection, water supply, storage and distribution system, Backflow prevention devices, swimming pools 	
NYS Department of State Coastal Zone Program	Coastal Zone consistency determination	
NYS Department of Environmental Conservation	<ul style="list-style-type: none"> • SPDES permit for construction related impacts • Water quality certification 	
NYS Office of Parks, Recreation and Historic Preservation	Review of historic and archaeological resources (Determination of No Impact issued November 29, 2010)	

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

NYS Office of General Services	Approval for use of State-owned lands along and/or under the Hudson River
<i>Federal Agencies</i>	
Army Corps of Engineers (ACOE)	Permits and review for all work along the bank and in waters of Hudson River

In addition, the following Interested Agencies were identified and included in the SEQRA notification process.

- Riverkeeper
- Scenic Hudson
- Hudson River Sloop Clearwater
- Town of Lloyd
- Hudson River Rowing Association
- Marist College
- Central Hudson Gas & Electric
- City of Poughkeepsie IDA
- City of Poughkeepsie Shade Tree Commission
- City of Poughkeepsie Police Department
- Town of Poughkeepsie Police Department
- City of Poughkeepsie Fire Department
- Fairview Fire District

5. Project History:

- Date of DEIS Submission: February 23, 2010
- Dates of Revised DEIS Submissions: May 14, 2010 and June 17, 2010
- Date of DEIS Acceptance: June 21, 2010
- Date of Public Hearing: July 28, 2010
- Close of DEIS Comment Period: August 9, 2010
- Date of FEIS Submission: June 15, 2011
- Dates of Revised FEIS Submissions: December 29, 2011 and March 9, 2012
- Date of FEIS Acceptance: March 19, 2012

6. Existing Uses: The Site (the Project Site and the State Land) was in industrial use from the mid-1800's until 1995. Prior to 1913, the site was an iron works and a glass works. Several kilns were associated with the glass works and kiln ash and slag was reportedly used as fill material on the site. The site was subsequently used for lumber processing activities. Pressure treatment of lumber with chromated copper arsenate is reported to have begun in 1966 by the A.C. Dutton Lumber Corporation and to have continued until 1995, when on-site industrial operations ceased. The site has been investigated and accepted into the New York Department of Environmental Conservation (DEC) Brownfields Clean-up Program (site ID 314081) and the site has been investigated

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

according to DEC guidelines. A Remedial Design Work Plan has been approved by the DEC and clean-up by the Applicant is currently underway. There were seven vacant structures on the property. Four have been demolished and the three remaining will be demolished and removed as part of the remediation program.

7. Project Revisions: As a result of comments on the DEIS the Applicant made significant modifications to the Project. The Project as proposed in the DEIS consisted of 586 residential apartments in three 5-story buildings. At the time the DEIS was prepared the Applicant believed it owned the property fronting on the Hudson River. Subsequent to preparation of the DEIS, it was discovered that 2.45 acres located between the Applicant's property and the Hudson River is owned by the State of New York. Based on comments on the DEIS and preliminary drafts of the FEIS, the following changes have been made to the proposed plan.

- Develop a lower density alternative layout with varied building sizes representing a 35 percent reduction in density.
- Redesign of building types to reduce building height and bulk. The proposed buildings are a 3-story stacked townhouse design and a 4-story mid-rise building design, each with parking below.
- Elimination of a parking garage in favor of parking under buildings.
- Create an internal loop road for improved circulation and emergency accessibility.
- Applicant's commitment to remediate both the Project Site and the State Land to State cleanup standards and develop a public park on the waterfront property owned by New York State.
- Provide increased setbacks between development and the Hudson River and for a buffer between the private development and the public park use.
- Construct a sidewalk on the south side of Dutchess Avenue and plant street trees to promote pedestrian activity and access to Greenway Trail connections.
- Reconstruct or rehabilitate the sidewalk on the west side of North Water Street from Dutchess Avenue to the Fallkill Creek Bridge.
- Construct traffic improvements as detailed in Section 9.vi below.
- Construct various traffic calming improvements to be determined in more detail during the site plan review stage.
- Expand commercial space to be marketed to attract water-enhanced and water-dependent uses.

8. Summary of Project Components: The Site (the Project Site and the State Land) is an abandoned former industrial site located next to the Hudson River. The Applicant is currently remediating the Site to State standards and proposes to further remediate to

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

State standards the State Land which fronts on the Hudson River in collaboration with NYSDEC and NYSOGS. As a site regulated under the DEC Brownfield Program, site remediation activities are not subject to SEQRA review. However, they are a necessary pre-condition for the development of the proposed Project, including the public riverfront park.

The Project will include in the City of Poughkeepsie a 4-story mid-rise mixed use building with 78 1, 2 and 3 bedroom apartments, 12,400 square feet of commercial space (anticipated to consist of retail, restaurant, café and office uses) and an underbuilding parking garage; a 4-story mid-rise building with 120 1, 2 and 3-bedroom apartments and an underbuilding parking garage; and ten 3-story townhouse residence buildings (townhouses above flats) totaling 102 units with individual garages. In the Town of Poughkeepsie the Project will consist of nine 3-story townhouse residence buildings totaling 84 units with individual garages. In addition to the garages there will be surface parking associated with all buildings. Parking for the commercial component will be on the Site and on Dutchess Avenue. The Project will also have a separate 1500 square foot clubhouse building and associated outdoor recreational space with swimming pool and parking.

Access to the Project Site will be from Dutchess Avenue (via North Water Street, Hoffman Street and other local roads) at two locations. Internal circulation will be via a loop road. Additionally, public access to the park development on the State Land will be from Dutchess Avenue.

Utilities will be provided by connection to the joint City/Town water and wastewater disposal systems. Stormwater will be managed in accordance with the requirements of the most recent *New York State Stormwater Management Design Manual*.

The Project will be developed, owned and managed by the O'Neill Group -- Dutton, LLC. Ultimately a Homeowners Association or condominium association will be established for the management of on-site utilities, grounds and amenities. The residences will be designed as for-sale condominiums.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

9. Facts and Conclusions in the EIS Relied Upon to Support the Decision

a. Environmental Impacts and Mitigating Measures

i. Topography and Slope

Site elevations range from a low point of approximately two feet above mean sea level near the Hudson River to a high point of 52 feet on the eastern side of the Site near North Water Street. 94% of the Site is flat, with slopes in the 0-15% range. 5% of the Site has slopes in the 15-25% range and 1.5% has slopes greater than 25%.

Fill will be imported to raise the Project Site from an existing average elevation of six feet above mean sea level to an average elevation of 11 feet. Raising the Project Site in this manner will elevate development out of the 100-year floodplain and provide a "cap" on the remediated Brownfield. Development will be concentrated on the flatter areas of the Site.

Standard soil and erosion control measures meeting the requirements of the DEC *Design Manual* guidance for Redevelopment sites, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) are proposed to mitigate impacts to land and water resources associated with disturbances to topography and slopes. These measures will be further reviewed by the Planning Board during the site plan review process. No additional mitigation measures are required.

ii. Soils and Geology

Soils on the Project Site are mostly classified as udorthents, which are disturbed soils resulting from fill activities. Based on soil borings, the fill has an average depth of eight feet below the surface. A small area of undisturbed Dutchess-Cardigan Urban land complex soils are found on the eastern side of the Project Site.

Bedrock consists of greywacke, shale and Pelitic rock formations. Bedrock is at the surface and shallow across the eastern boundary of the Site and deepens rapidly toward the river, approaching depths of 30-50 feet.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

The Site is currently listed as a Brownfield site by the DEC. The prior use of the Site for lumber treatment resulted in soil contamination by heavy metals, including arsenic and chromium.

The Site has been accepted into the New York State Brownfield Clean-up Program and the Applicant is currently remediating the Site to DEC standards. Remediation activities conducted under the New York State Brownfield program are not subject to the State Environmental Quality Review Act and are not a component of this action. The remediation plan involves removing the contaminated soils and installing a clean fill cap to a minimum depth of two feet. The Applicant has already removed underground and above ground fuel storage tanks and removed any associated contaminated soil.

The Applicant will remediate to DEC standards the State land prior to issuance of the first Certificate of Occupancy by either the City or the Town.

Should blasting be required during construction, the Applicant will be required to prepare and submit a blasting mitigation plan for review and approval by the City Planning Board.

The City and Town Planning Boards will also review the soil and erosion control plans and the SWPPP during the site plan review process. The City Engineer, as representative of the MS4, must approve the SWPPP. No other mitigation measures are required.

iii. Hydrogeology

Depth to groundwater was obtained from five temporary monitoring wells installed on the Site. Depth to groundwater in areas of fill is at approximately the elevation of the Hudson River, generally four to six feet below the top of the fill layer. Groundwater level data is not available for the undisturbed parts of the Site.

Low level exceedances of the groundwater standard for arsenic have been documented for portions of the Site. Low level exceedances of the groundwater standard for three semi-volatile organic compounds were also documented during a 2007 groundwater sampling event. These are a direct result of prior activities at the Site before the Applicant acquired the property.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

The Site remediation activity currently underway will positively impact groundwater quality by removing the contaminated soil, which is the present source of the contamination. As a result of the Project, there will be an increase in pervious area over the present conditions at the Site, which will promote groundwater recharge. After the contaminated soil is removed, the Site will be capped with clean fill. Development on the Site will be supplied with potable water from a municipal source. Wastewater will be disposed of in a municipal treatment system. No significant impact to or from groundwater resources is therefore anticipated and no mitigation beyond completion of the DEC approved remediation plan is required.

iv. Surface Water and Stormwater Management

Water resources on or near the Site are limited to the Hudson River just to the west of the Site adjoining the parcel of State owned land, and Kidney Creek, which is conveyed east to west underground through the Site through an existing culvert at approximately the City/Town boundary line. The Hudson River is classified as a Class A stream by the DEC. The Kidney Creek does not appear on the DEC Environmental Resource Mapper, and therefore is not classified. There are no ponds, wetlands or other water resources on the Site.

Most of the site is located within the 100 and 500 year floodplains of the Hudson River. The 100-year floodplain has a base flood elevation of eight feet. The 500 year floodplain has a flood elevation of 9.7 feet.

In order to develop within the floodplains, floodplain development permits will be required from both the City and Town of Poughkeepsie. The property will be regraded to raise the Project Site from an average elevation of six feet above sea level to an average level of 11 feet above sea level. The finish floor elevations of the structures will be raised so that they are out of the 100-year flood zone.

Field investigation will be undertaken during Site remediation to determine whether the Kidney Creek culvert should be replaced, stabilized or otherwise modified. This work will be undertaken as part of the Site remediation process and will be subject to review by the DEC.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

Redevelopment of the parcel of State-owned land as a waterfront park by the Applicant will likely involve stabilization of the bank of the Hudson River. If required, such activities will require permits from the DEC and ACOE and will be subject to review by those agencies.

Stormwater currently drains across the Site to the Hudson River and will continue to do so after completion of the Project. Construction of the Project will involve disturbance of more than one acre and so permit coverage must be obtained under the State Pollution Discharge Elimination System (SPDES) via compliance with the NY General Permit for Stormwater Discharges from Construction Activity. A Stormwater Pollution Prevention Plan will be prepared to manage stormwater from the Site. The reduction in impervious area and the implementation of stormwater controls is expected to lead to a reduction in pollutant load to the Hudson River from the Site. Specific stormwater management measures will be subject to review by the City and Town Planning Boards during the site plan review process.

v. Flora and fauna

The subject property is an abandoned industrial site characterized by disturbed or weedy plant communities where there is no pavement or buildings. There are no significant plant communities on the Site, nor are there any endangered, threatened or rare species.

Similarly, field surveys did not reveal the presence of any significant animal habitats or evidence of endangered, threatened or rare fauna on the Site. Animal use of the Site is characterized by common urban species.

No submerged aquatic vegetation species were reported to occur on the adjoining parcel of State land by the New York Natural Heritage Program (NYNHP). One rare aquatic plant, Golden Club, was reported by the NYNHP (last sited in 1869) but was not observed along the shoreline of the Site and is not considered likely to occur.

The loss of existing flora and fauna is not considered to be a significant impact. New landscaping may use species with wildlife value. The City and Town Planning Boards will review the proposed landscaping plan during the site plan review process.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

vi. Traffic and Transportation

The Site will be served regionally via U.S. Route 9 and U.S. Route 44 and NYS Route 55. Other key roadways serving the Site include Hoffman Street, Kittredge Place, Albany Street, Main Street, Delafield Street and North Water Street.

Access to the Project Site will be provided via two entrances on Dutchess Avenue. All roads within the Project Site will be privately owned and maintained. Internal circulation will occur via a loop road. The City of Poughkeepsie Fire Chief and the Fairview Fire Chief reviewed the geometry of the loop road and found that it provides sufficient room for emergency vehicle circulation. An inter-municipal agreement may be needed between the City and Fairview Fire Districts whereby the City Fire District would take on first responder responsibility for emergency response to the north end of the Project in the Town. The City Planning Board shall further explore the need for such an agreement during the site plan review process.

The site plan provides space for a possible future emergency access between the Project and the adjoining Vassar property, however a physical connection will not be made unless there is an agreement between Vassar and the Applicant, as is acceptable to the City and Fairview Fire Districts, assuring access of emergency vehicles through the Vassar property to the Dutton site, and through the Dutton property to Vassar property. A connection between the properties is not necessary for emergency services as the City and Fairview Fire Chiefs have determined the access as proposed is acceptable for emergency services.

The Lead Agency and the Applicant jointly investigated the feasibility of providing new direct access from the Site to the US Route 9. However, the New York State Department of Transportation (DOT) advised that such an access is not warranted.

The Applicant conducted a detailed traffic study of the surrounding roadway network. The study also included an assessment of accident data, sight distances and pedestrian access. The study was reviewed by consultants for both the City and the Town and was revised several times during the process. The study assumed a 2015 design year and a background growth rate of 1% per year. The study also took into account potential traffic from recently approved or soon to be approved projects, such as the Hudson Heritage Project. The study did not

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

take into account potential traffic increases or decreases from the planned train station Transit Oriented Development Project because no firm project plans have yet been generated. The study did not take into account potential traffic on Water Street from the Walkway Over the Hudson elevator because such traffic will not coincide with the peak hours of traffic generation from the proposed Project.

The traffic study encompassed 15 intersections in the immediate and near vicinity of the Project Site. The study found that most intersections will continue to operate at acceptable levels of service after Project completion. The following specific improvements are proposed to be implemented by the Applicant to improve public circulation and access to and from the Project Site:

- Resurface and provide sidewalk improvements and pavement markings on North Water Street from the Children's Museum to Dutchess Avenue
- Reconstruct Dutchess Avenue, including new sidewalks and street trees
- Add pavement markings at the Hoffman Street/Albany Street intersection
- Traffic signal actuation and controller replacement, signal timing adjustments, pavement markings and signing at the Hoffman Street/Delafield Street intersection
- Pavement markings at the Main Street/Rinaldi Boulevard intersection
- Signal timing adjustments and pavement markings at the Fairview Avenue/Cedar Street intersection
- Potential installation of speed tables on Hoffman Street, Albany Street and Water Street

The Applicant will construct a new sidewalk along the south side of Dutchess Avenue, with new street tree plantings, and reconstruct or rehabilitate the existing sidewalk along North Water Street from Dutchess Avenue to the Fallkill Creek bridge, where it will connect to the downtown sidewalks in the area of the train station, thus facilitating pedestrian access between the Site and the train station.

Improvements to North Water Street and Dutchess Avenue should be coordinated with improvements carried out as a result of the Hoffman Street Bridge relocation.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

Parking to comply with City Code requirements for the Project residents will be supplied on the Project Site in garages and on internal streets. Parking to comply with City Code requirements for the commercial uses in the Project will be provided on the Project Site and on Dutchess Avenue. Improvements to Dutchess Avenue by the Applicant, including repaving, striping of on-street parking spaces, a new sidewalk and street trees, and the addition of a turn-around and limited parking at the base of Dutchess Avenue are proposed to improve public access to the riverfront.

Construction traffic will result in short term, adverse impacts to surrounding roadways and residents. This is an unavoidable adverse impact of the Project.

Specific site plan aspects, including but not limited to design, layout, traffic calming and vehicle and pedestrian access and circulation, including connections to adjoining properties and the design of Dutchess Avenue, will be further reviewed by the Planning Board during the site plan review process.

vii. Air Resources

The DEIS included an analysis of impacts to air resources from traffic and Project operations. The analysis found that emissions from the Project will not result in an adverse impact to air resources.

Impacts to air resources will occur from soil disturbance during construction. Mitigation measures will include:

- Grading and graveling of all roadways along with periodic regrading, compacting and replacement of gravel as needed
- Daily watering of the roadways
- Maintenance of a maximum on-site speed limit of 15 mph
- Adherence to the soil erosion control plan

The Planning Board will review the soil erosion control plan during the site plan review process.

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

viii. Cultural Resources

The Applicant completed a Phase 1 literature review and archaeology assessment for the Project. The assessment determined that based on the significant development and disturbance of the Site, cultural resources are unlikely to be found on the Site. All of the existing structures on the Site will be removed. Three of the structures were more than 50 years old. All three had been abandoned for more than 25 years and have been demolished.

The cultural resources report was submitted to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review. The OPRHP concurred with the conclusions of the report and determined that no additional cultural resource investigations are warranted, and further concluded that the Project will have No Impact on historic or archaeological resources.

ix. Visual Character

The Project Site is located adjacent to the Hudson River and is visible from many surrounding viewpoints on both sides of the river. The Site is directly adjacent to the Esopus-Lloyd Statewide Scenic Area of Significance (SASS) and the Estate District SASS. In addition to the Hudson River, scenic areas or landmarks in the vicinity of the Site include the Walkway Over the Hudson, Marist College and boathouse, Vassar boathouse, Quiet Cove Park, Waryas Park and the Mid-Hudson Bridge.

In order to determine areas from which the Project may be visible, a viewshed map was developed. Based on the results of the viewshed map, a visual impact analysis was conducted for the DEIS from 13 points. The analysis consisted of leaf-on and leaf-off photographs on which a computer simulation of the Project was superimposed. Additionally, line-of-site profiles from the neighborhood to the east of the Project Site were prepared to determine whether the Project would block residents' views of the Hudson River. Additional analyses and profiles were conducted for the revised Project plan and presented in the FEIS. The revised Project plan includes smaller buildings with less mass and lower heights. Based on the line-of-site profiles, several residences will have views of the water obstructed by the Project. This is an unavoidable adverse impact.

The revised Project plan will have fewer visual impacts than the original plan because of its smaller scale and because the buildings have been set further from the edge of the Hudson River. It will be unlikely to block views of the

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

Hudson River from residential neighborhoods to the east as was the case with the original plan. The revised plan therefore has fewer impacts than the original plan.

The Applicant has revised the architectural character of the proposed buildings and is proposing to construct them in the "Queen Anne" style. The façade treatment of the proposed buildings is presented in the FEIS. The City and Town Planning Boards will review the architectural character of the proposed buildings during the site plan review process. The Planning Boards will also review the Applicant's lighting plan to ensure that nighttime lighting impacts are minimized.

x. Noise

A noise analysis report was included in the DEIS. Once operational, the Project is unlikely to be a significant generator of noise. Both the City and Town have noise ordinances with which the Project must comply. Potentially significant noise impacts could occur during the construction period. Mitigation measures to be adopted for construction noise impacts include:

- Contractors will be required to use equipment with mufflers, on-board shields, exhaust silencers, and any other sound reduction equipment maintained to their original specification.
- Air compressors shall have critical environmental silencers with maximum noise attenuation.
- Equipment with the lowest noise rating will be selected to accomplish each task, especially in construction areas closest to sensitive receptors.
- Equipment may not idle when not in use
- Any equipment for which there is a choice of locations, such as electrical generators and air compressors, will be situated as far as possible from the closest sensitive receptors.
- Loose engine parts or other parts with loose or missing screws, bolts or metal plates must be repaired so that vibration and noise generation will be minimized.

xi. Utilities

The Project Site is served by public water supply from the Joint Water Works of the City/Town of Poughkeepsie. There is adequate capacity and system pressure to serve the Project. Water capacity will be provided for the City share of the

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

water treatment's plant capacity for units located in the City and for the Town share of the plant's capacity for units located in the Town (unless stipulated otherwise by the City and Town). The Applicant will construct to City and Town specifications, and will own, all water improvements on the Site.

The Project Site is served with wastewater services by mains that flow to the Poughkeepsie Water Pollution Control Plant, jointly owned by the City and Town. Treatment capacity is available at the Water Pollution Control Plant. A formal agreement will be required with the City and Town to allocate the share of each municipality's treatment plant capacity to the Project. The Applicant will construct to City and Town specifications, and will own, all wastewater improvements on the Site.

Utilities such as electricity, natural gas and telecommunications are available to the property from private carriers. Such utilities will be supplied to the Project at the Applicant's expense.

xii. Demographics

The Project will likely appeal to younger couples without children and older residents. It is anticipated that residents will have median household incomes higher than those in the City. The Applicant proposes to provide an as yet undetermined number of workforce housing units at reduced rental rates. No adverse impacts to demographics are anticipated.

xiii. Fiscal Conditions

A fiscal impact analysis was included in the DEIS. The analysis concluded that the Project would have positive fiscal impacts to all taxing jurisdictions. It is expected that the downsized Project presented in the FEIS would also have positive fiscal impacts.

The Project will generate construction and operations employment, thus resulting in positive impacts.

xiv. Community Facilities and Services

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

The Project Site is served by the Poughkeepsie City Central School District and the Hyde Park Central School District. The DEIS contained an analysis of projected school children from the Project and concluded that, using standard multipliers, 98 school-age children would be generated by the Project. The downsized Project presented in the FEIS would be expected to generate approximately 35% less children. Both school districts have capacity for additional children generated by the Project.

The Project is not expected to have significant impacts to police, fire, emergency solid waste or recreation services. As noted in Finding 9.vi, an inter-municipal agreement may be needed between the City and Fairview Fire Districts whereby the City would take on first responder responsibility for emergency response to the north end of the Project in the Town. The City Planning Board shall further explore the need for such an agreement during the site plan review process.

The Project will result in the removal of dilapidated structures and the clean-up of a Brownfield site. The Project will introduce passive recreational activity to the Poughkeepsie City and Town waterfront and will have a positive impact on the character of the City.

The Applicant shall construct the waterfront park prior to the issuance of the 320th building permit for the Project, regardless of whether the permit is issued by the City or the Town.

xv. Greenhouse Gas Emissions

The Project will result in the emission of greenhouse gases. To mitigate this impact the Applicant proposes to incorporate energy saving measures into the design and construction of the buildings.

10. Alternatives

The Applicant analyzed a number of alternatives in the DEIS, including the No Action Alternative, alternative development plans, including a lower density alternative, alternative layouts, a mixed use alternative, an alternative housing mix and uses permitted under existing zoning. The DEIS alternatives analysis also considered alternative design elements and alternative sites.

As a result of comments on the DEIS, the Applicant has developed a Revised Site Plan with significantly less density and with many revised site layout elements, which

*One Dutchess Avenue Findings Statement
Draft 4/13/2012*

collectively reduce Project impacts. The Lead Agency considers the Revised Site Plan presented in the FEIS to be the preferred development alternative.

11. Conclusion and Certification

Having considered the Draft and Final Environmental Impact Statements, the City of Poughkeepsie Common Council certifies that:

- A. It has considered the relevant impacts, facts and conclusions disclosed in the DEIS and FEIS;
- B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- C. The requirements of 6 NYCRR part 617 have been met;
- D. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the DEIS and FEIS; and
- E. Consistent with the social, economic and other essential considerations, adverse environmental impacts revealed in the Draft and Final Environmental Impact Statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigating measures which were identified in this Findings Statement and the EIS documents.

- 3) **FROM HAYDEE VICUNA**, a notice of intent for Haydee's Market to renew its Liquor License. **Referred to Corporation Counsel**
- 4) **FROM THOMAS AND MARGARET SCHIRRIPA**, a notice of intent for The New Log Cabin to renew its Liquor License. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

Councilmember Rich- I think this was asked for by myself and council woman Solomon. We asked if, in light of some research I did, that our amount of contract and services legal went way up last year. we budgeted about 80,000 and save 38,000 that we could have a list of where all this money went to specifically to what court cases and what law firms that it might be and this enlightening for us to find out that and whereas year we still have a bunch of court cases. We'd hate to see a repetition of budgeting and spending a couple hundred thousand or more because that's a big hole in our budget and I'd love to see more money being moved towards youth programs

than being moved towards law firms. I'd appreciate if you would get that information ASAP, which have been asking for several months.

Mayor Tkazyik- we are working on the request from councilmember Rich, as you know, you've asked Corporation Counsel Ackermann to speak regarding litigation against the city at a previous meeting that you had. He was working on that, but we are preparing for you the request, which does take time to put together between Finance and the Law Department. However, again we will clearly state what those numbers are and clearly show the lawsuits and the judgments in claims that pertain to those numbers.

XI. NEW BUSINESS:

NONE

XII. ADJOURNMENT:

A motion was made by **Chairwoman Johnson** and **Councilmember Rich** seconded the motion to adjourn the meeting at 8:45 p.m.

Dated: July 13, 2012

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, April 16, 2012 at 6:30 p.m.

Respectfully submitted,

City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, April 16, 2012

6:30 p.m.

***6:15 Public Hearing regarding proposed
Local Law LL-12-2 regarding
Mandatory flood prevention regulations***

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

IV. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

V. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS

VIII. MOTIONS AND RESOLUTIONS:

- 1) FROM COUNCILMEMBER RICH AND COUNCILMEMBER PERRY, Resolution R12-32, designating a day as Clean-Up day in the City of Poughkeepsie.**
- 2) FROM CORPORATION COUNSEL ACKERMANN, SEQRA Resolution R12-33 and Sale Resolution R12-34 for 3 Zimmer Avenue.**

- 3) **FROM COUNCILMEMBER RICH AND COUNCILMEMBER PERRY**, Resolution R12-35, approving a budget amendment for an additional \$7000 in the Recreation Department.
- 4) **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Resolution R12-36, approving a SEQRA Resolution for the mandatory flood prevention regulations.

IX. ORDINANCES AND LOCAL LAWS:

- 1) **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Local Law-LL-12-2, adopting mandatory flood prevention regulations.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1) A Presentation from **POUGHKEEPSIE FARMER'S MARKET**.
- 2) **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the circulation of the Findings Statement for One Dutchess Avenue.
- 3) **FROM HAYDEE VICUNA**, a notice of intent for Haydee's Market to renew its Liquor License.
- 4) **FROM THOMAS AND MARGARET SCHIRRIPA**, a notice of intent for The New Log Cabin to renew its Liquor License.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: